



PUBLIC NOTICE

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DA 02-1024
May 3, 2002

ACTIONS TAKEN UNDER CABLE LANDING LICENSE ACT

Section 1.767(a) Cable Landing Licenses, Modifications, and Assignments or Transfers of Control of Interests in Cable Landing Licenses (47 C.F.R. § 1.767(a))

By the Chief, Policy Division, International Bureau:

Pursuant to An Act Relating to the Landing and Operation of Submarine Cables in the United States, 47 U.S.C. §§ 34-39 (Cable Landing License Act), Executive Order No. 10530, Exec. Ord. No. 10530 *reprinted as amended in* 3 U.S.C. § 301, and section 1.767 of the Commission's rules, 47 C.F.R. § 1.767, the following applications ARE GRANTED. These grants of authority are taken under section 0.261 of the Commission's rules, 47 C.F.R. § 0.261, and are effective upon release of this public notice. Petitions for reconsideration under section 1.106 or applications for review under section 1.115 of the Commission's rules, 47 C.F.R. §§ 1.106, 1.115, may be filed within 30 days of the date of this public notice.

This public notice serves as each cable landing licensee's Cable Landing License, or modification thereto, pursuant to the Cable Landing License Act and sections 1.767 and 1.768 of the Commission's rules. Cable landing licensees should review carefully the terms and conditions of their licenses. Failure to comply with these terms and conditions or relevant Commission rules and policies could result in fines or forfeitures.

The Commission most recently amended its rules applicable to submarine cable landing licenses in *Review of Commission Consideration of Applications under the Cable Landing License Act*, IB Docket No. 00-106, FCC 01-332 (rel. Dec. 14, 2001), 67 Fed. Reg. 1615 (Jan. 14, 2002). An updated version of sections 1.767 and 1.768 of the rules is available at <http://www.fcc.gov/ib/pd/pf/telecomrules.html>. See also http://hraunfoss.fcc.gov/edocs_public/attachmatch/DA-02-598A1.pdf for a March 13, 2002 Public Notice; http://hraunfoss.fcc.gov/edocs_public/attachmatch/FCC-01-332A1.pdf for the December 14, 2001 Report and Order.

SCL-T/C-20020219-00004

Caribbean Crossings, Ltd (Licensee)
Philip Keeping (Transferor)
Persona Communications (Barbados) Inc. (Transferee)

TRANSFER OF CONTROL

Action Taken: Grant of authority to transfer control of Caribbean Crossings Ltd. (Caribbean Crossings), a 100% wholly-owned subsidiary of Cable Bahamas, Ltd. (Cable Bahamas), which itself is 29.75% owned by Columbus Communications Ltd. (Columbus), which is 100% owned by Philip Keeping to Persona Communications (Barbados) Inc. (Persona).

Conditions and Requirements:

See Caribbean Crossings Ltd., Cable Landing License, File Nos. SCL-LIC-20000118-00001 and SLC-AMD-20000405-00011, 15 FCC Rcd 10818 (TD-IB 2000). Licensees shall comply with the requirements of § 1.768 (notifications and prior approval for submarine cable landing licensees that are or propose to become affiliated with a foreign carrier), 47 C.F.R. § 1.768. *See also* 47 C.F.R. § 1.767(g)(1)(14). Licensees may file, pursuant to paras. 33 and 63 of the Commission's Report and Order in IB Docket No. 00-106, to seek authority to substitute the new no special concessions rule for the no exclusive arrangements condition in para. 15(4) of the Cable Landing License, and authority for post-transaction notification of pro forma transactions. *See* 47 C.F.R. §§ 1.767(g)(5), 1.767(g)(7); *see also New Submarine Cable Landing License Rules Scheduled to Take Effect March 15*, Public Notice, DA 02-598 (Mar. 13, 2002).

Licensee Information: Caribbean Crossings is a company organized under the laws of the Commonwealth of the Bahamas, and is a wholly-owned subsidiary of Cable Bahamas. Caribbean Crossings operates the Bahamas Internet Cable System extending between the Bahamas and the United States.

Cable Bahamas is a company organized under the laws of the Commonwealth of the Bahamas. Columbus is the largest shareholder of Cable Bahamas, owning 29.75% of the company's stock. Columbus is wholly owned by Philip Keeping, a Canadian citizen. Section 80 of the Memorandum and Articles of Association of Cable Bahamas entitles Columbus to nominate and elect three (3) of the five (5) directors, of Cable Bahamas. Thus, applicants state that Columbus effectively controls Cable Bahamas.

Cable Bahamas is also 20% owned by the Government of the Commonwealth of the Bahamas as a beneficial owner, with nominee Bahamas Electricity Corp. responsible for 10% of Cable Bahamas shares and nominee Bahamas Telecommunications Corp. responsible for the other 10% of Cable Bahamas shares. The remaining 50.25% of Cable Bahamas is publicly traded on the Bahamas International Securities Exchange with no entity having a 5% or greater interest in Cable Bahamas.

On February 4, 2002, Mr. Keeping and Columbus entered into a Share Purchase Agreement with Persona to sell Mr. Keeping's common shares in Columbus to Persona. Persona is a wholly-owned Barbados subsidiary of the Canadian corporation, Persona International Inc. (PII). PII is a wholly-owned subsidiary of Persona Inc., a publicly traded Canadian corporation. Pursuant to the agreement, Mr. Keeping will sell his common shares in Columbus to Persona. Mr. Keeping will receive 2.8 million shares of Persona Inc. Mr. Keeping will also retain \$15 million of preferred shares of Columbus. Through another wholly-owned subsidiary, Regional Cablesystems Inc., Persona Inc. provides cable television, digital cable, high speed Internet and telecommunications services to residential and commercial users in Canada, a WTO member country.

Caribbean Crossings is affiliated with Regional Cablesystems Inc., a non-dominant foreign carrier.

Interlocking Directorates: Philip Keeping, Richard Pardy, Gordon MacNab, I.G. Stubbs and Keva Bethel serve on the Board of Directors of both Caribbean Crossings and Cable Bahamas. Gary Kain serves on the Board of Directors of Persona Inc., PII, and Regional Cablesystems, Inc.

Regulatory Status of Cable: Bahamas Internet Cable System is operated on a non-common carrier basis. *See Caribbean Crossings Ltd.*, 15 FCC Rcd 10818, para 1.

Cable Design and Capacity: *See* SCL-LIC-20000118-00001 and SCL-AMD-20000405-00011.

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